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7 Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

STEVEN ECKHART, a single person,

**Plaintiff,**

Case No.: 2:23-CV-207

VS.

Asotin County Superior Court Cause  
No. 23-2-00082-02

## NOTICE OF REMOVAL OF ACTION

ASOTIN COUNTY, ASOTIN COUNTY SHERIFF'S OFFICE, ASOTIN COUNTY SHERIFF JOHN HILDERBRAND, ASOTIN COUNTY JAIL, ARTHUR W. MUSSER, individually and in his professional capacity, DEVIN WEBBER, individually and in his professional capacity,

### Defendants.

TO: The Clerk of the Court

NOTICE OF REMOVAL - page 1



818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

1           **PLEASE TAKE NOTICE** that Defendants Asotin County, Asotin County  
 2 Sheriff John Hildebrand, Arthur Musser and Devin Webber hereby remove to this  
 3 Court the state court action described below.

5           **1. State Court Action**

7           On June 20, 2023, Defendants Asotin County, John Hildebrand and Devin  
 8 Webber (“Removing Defendants”) were served with he Summons and Complaint.  
 9  
 10 *See Certificate of Michael E. McFarland, Jr., Ex. B-G.* The Complaint lists Asotin  
 11 County, John Hildebrand and Devin Webber as defendants. *McFarland*  
 12 *Certificate, Ex. A.* Plaintiff’s Complaint was filed in Asotin County Superior  
 13 Court on May 26, 2023 and assigned cause number 23-2-00082-02. *Id.* Defendants  
 14 were not served until June 20, 2023. *McFarland Certificate, Ex. B-G.*

17           **2. Federal Question Jurisdiction**

19           Plaintiff’s Complaint alleges that the Removing Defendants violated the his  
 20 rights under the U.S. Constitution. *Complaint, ¶ 1.1.* Specifically, Plaintiff alleges  
 21 that the Removing Defendants violated his right to bodily integrity under the  
 22 Fourth, Eighth and Fourteenth Amendment. *Complaint, ¶ 4.29-4.33.*

25           Accordingly, this action is removable to federal court under 28 U.S.C. §  
 26 1441, as Plaintiff’s claims arise under the Constitution, laws or treaties of the  
 27 United States, and this Court would have had original jurisdiction over Plaintiff’s  
 28

30 NOTICE OF REMOVAL - page 2

1 claims under 28 U.S.C. §§ 1331 and 1343 had Plaintiff elected to file the action in  
2 federal court. This Court is the District Court of the United States embracing the  
3 place where the state court action is currently pending, and is therefore the  
4 appropriate Court for removal pursuant to 28 U.S.C. § 1441(a).  
5

6

7 **3. Timely Removal**

8 Removing Defendants were each served with the Summons and Complaint  
9 on June 20, 2023. This Notice of Removal is filed within 30 days after the service  
10 of the Complaint. *See* 28 U.S.C. § 1446(b).  
11

12

13 **4. Papers Served**

14 Copies of all process and any pleading served upon Defendants are attached  
15 as **Exhibits A-G** to the Certificate of Attorney.  
16

17

18 DATED this 20<sup>th</sup> day of July, 2023.  
19

20 EVANS, CRAVEN & LACKIE, P.S.  
21

22

23 By: s/ Michael E. McFarland, Jr.  
24 MICHAEL E. McFARLAND, JR., #23000  
25 BRYTON A. REDAL, #56946  
Attorneys for Defendants  
26

## CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 20<sup>th</sup> day of July, 2023, the foregoing was delivered to the following persons via e-service agreement:

Counsel for Plaintiff

Douglas D. Phelps  
Phelps & Associates, P.S.  
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Via Regular Mail [ ]  
Via Certified Mail [ ]  
Via Overnight Mail [ ]  
Via Facsimile [ ]  
Hand Delivered [ ]  
Via Email [X]

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## Kimberley L. Mauss, Paralegal